

### **REMARKS/ARGUMENTS**

The Examiner is thanked for his continuing careful attention to this application. In an earlier amendment, in order to expedite prosecution of this case, applicant amended all pending claims to include subject matter indicated allowable by the Examiner. That indication of allowability has been withdrawn. In this amendment, Applicant has combined and cancelled claims to expedite prosecution.

#### **Disclosure**

Applicant believes the previous amendment to ¶[0066], appearing on page 4 of the 22 June 2007 amendment spells out MIB. This paragraph appears on page 19 of the originally filed application and therefore precedes the use of the abbreviation on page 22, line 27.

#### **Drawings**

Claim 18 has been cancelled in response to the objections to the drawings. This has been done to expedite prosecution and Applicant reserves the right to represent claim 18 in a future proceeding.

#### **Status of the Claims**

Claims 7-11, 14, 16-17, 19-22 remain under examination upon entry of this amendment.

#### **Rejection of claim 12 under 35 U.S.C. § 103(a)**

After review of the present Office Action and in order to expedite prosecution in this application, Applicant in this amendment amends claim 7 to include all of the limitations of claim 12. Applicant furthermore amends claim 14 to include the elements of claim 12. All other pending claims are dependent from either claim 7 or claim 14.

Applicant therefore first responds to the Examiner's outstanding rejection of claim 12, because if this rejection is overcome, it should indicate allowability of all pending claims.

**35 U.S.C. § 103(a)**

**Ewing (7,099,934)**

In the present Office Action, claim 12 is newly rejected under 35 U.S.C. § 103(a) as an allegedly obvious in light of Ewing under the rationale of *In re Harza*. Applicant respectfully traverses.

The examiner is correct that the court in *In re Harza*, stated:

“The only distinction to be found is in the recitation in claim 1 of a plurality of ribs on each side of the web whereas Gardner shows only a single rib on each side of the web. It is well settled that the mere duplication of parts has no patentable significance unless a new and unexpected result is produced...”

However, the *In re Harza* court went on to state later in the opinion that:

“we do not agree with the board’s affirmation of the rejection of claim 7. In this claim there exists an element which is neither disclosed in Gardner nor in Gardner in view of Roberts and Schurman... the feature of “each rib being substantially as high as the spacing between adjacent ribs.” This is novel, and its utility, as expressed by the applicant, is apparent. Further, the combination of that element and the element defined by the recitation of “the ribs on said opposite faces being laterally spaced in offset relation” is patentably distinguishable from the references. Although Roberts shows the offset positioning claimed, we believe the offsetting in combination with the claimed dimensional relationship of the ribs produces new and unobvious results which are not suggested by any combination of the references. The other combination recited in this claim which we believe patentable consists of the feature of “a plurality of parallel ribs in spaced relation to one another on each of said faces” and the element of the ribs on opposite sides being spaced in offset relation. Even though we found in considering claim 1, that the plurality of ribs is not patentable *per se*...we believe the two features taken together create a patentable combination.

In the presently presented claims, there is no “mere duplication of parts” present in Ewing (7,099,934). Ewing, Fig. 1, shows operating power sourcing into a sensor 100 and then entering a relay 112, which connects to a computer based appliance 114 and where the relay and sensor both communicate with a power manager. This is presented as a power supply for one computer based appliance 114.

For providing power management for more than one outlet using a single power manager, Ewing illustrates in both Figs. 2 and Figs. 3, operating power sourcing into a sensor 216 or 316 and then entering either a power distribution strip 214 or a relay bank 314. In both cases, sensor 216 or 316 are not configured, as in pending claims 7 and 14, to individually monitor current to two or more outputs of the device.

Thus, Ewing, in Fig. 1-3 and throughout teach current monitoring for an individual power manager (e.g., 124, 220, 320) is done on a per-power-manager basis and not on an individual output basis.

The present invention does not merely duplicate parts, as was held for the rejected claims of *In re Hazra*, but instead provides a feature not disclosed in Ewing or other references: (1) a power manager (logic processor) able to receive and report current sensing data from multiple current sensors; (2) two or more relays, each separately associated with two or more current sensors; (3) two or more current sensors each providing separate current monitoring of separate power outputs.

The element of “a power manager (logic processor) able to receive and report current sensing data from multiple current sensors” like the feature “each rib being substantially as high as the spacing between adjacent ribs” is novel, and its utility is expressed in the application repeatedly as allowing monitoring current draw of individual devices in a single multi-output power switch, rather than monitoring the overall current of the power supply, as disclosed in Ewing.

“Individual current monitoring” is indicated as an important feature throughout the specification, such as ¶¶[0009], [0039], originally filed claims 1, 7, 12, 13, the individual current readouts for the eight outlets indicated in Fig. 5, the individual current readouts for the eight identified computer systems indicated in Fig. 13, and the per outlet high and low current alerts indicated in Fig. 15, as well as being indicated in Figs. 26 and 27.

As well as the descriptions of software objects on page 24, which clearly define different current monitoring objects, one for individual outputs and one for the total of the power supply (Compare the description of the CurrentInt object: “The amount of current the output is drawing, in Amps...” with the TotCurrentInt object: “The total amount of current the unit is supplying, in Amps....”

Thus, under the holding of *In re Hazra*, amended claims 7 and 14 are patentable over Ewing.

In light of the above, Applicant has demonstrated the allowability of the two remaining independent claims over the prior art. Applicant believes the remaining rejections of dependent claims should therefore also be withdrawn.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (510) 769-3508.

If after consideration of the above response, the Examiner does not find that all pending claims are in condition for allowance, **applicant hereby requests a telephone interview with the Examiner. Please contact the undersigned at (510) 769-3508.**

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